

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 12-63 were previously cancelled.

Claim 1 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11 (11 claims) are now pending in this application.

In the Advisory Action at paragraph 11 the Examiner maintained the rejection of the claims as set forth in the Final Office Action. The Examiner states that "Rechelbacher meets the claim limitation of a mixture".

The Applicants submit that Rechelbacher discloses two different types of materials that comprise his grip 20. There is no indication, suggestion or teaching in Rechelbacher that an enveloped "micro-cellular foam layer is composed of the elastomeric material and micro-cellular bubbles created by the foaming agent" as disclosed and claimed in the present application.

In contrast, the present application overmold 20 is composed of a single composition of elastomeric material 21 and foaming agent 23. The two materials are heated and melted in the injection molding machine thereby forming a homogeneous mixture that is injected into the mold cavity. (See at least paragraphs 0037- 0039 and 0044-0048 of the present application as originally filed and particularly paragraphs 0037 and 0048.)

In the present application, as disclosed and claimed, the foam layer 26 is composed of the same elastomeric material and foaming agent as the enveloping layers 22, 24 but the middle layer, the foam layer 26, is affected by the foaming agent 23 which forms the microcellular structure, without a chemical change, of the foam layer 26. Therefore, the Applicants submit that the apparatus to cushion and dampen vibration disclosed and claimed in the present application, is structurally different from that which is disclosed in Rechelbacher since Rechelbacher requires two different types of materials that are not mixed as opposed to the single mixture of material composing the three layers disclosed and claimed in the present application.

An “apparatus” in which an “overmold composed of a mixture of elastomeric material and a foaming agent, comprising a first layer and second layer and, in conjunction with the first layer enveloping a microcellular foam layer as a unitary, separable overmold member, wherein the micro-cellular foam layer is composed of the elastomeric material and micro-cellular bubbles created by the foaming agent” as required by independent claim 1 is not disclosed, taught or suggested by Rechelbacher.

Accordingly, the Applicants respectfully request the Examiner withdraw his rejection under 35 U.S.C. § 103(a) of independent claim 1, as amended, and claims 2-11 which depend from independent claim 1, as amended.

The drawing Figures 4-8, 10, 12, 16, and 17 have been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked in red to show changes presented in the replacement sheet of the drawing.

The specific changes which have been made to the referenced figures is an indication of the foaming agent 23 in each of the first and second layer 22, 24 of the separable apparatus.

As discussed at least in paragraph 0047 and 0048 the foaming agent 23 is retarded in the first and second layer but expanded in the enveloped micro-cellular layer 26.

The Applicants submit that the other prior art cited by the Examiner, either individually or in combination, do not suggest, disclose or teach that what is disclosed and claimed in the present application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

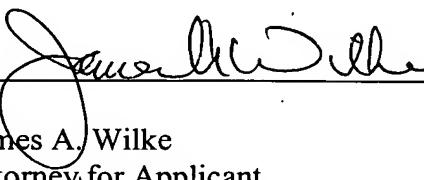
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12-05-06

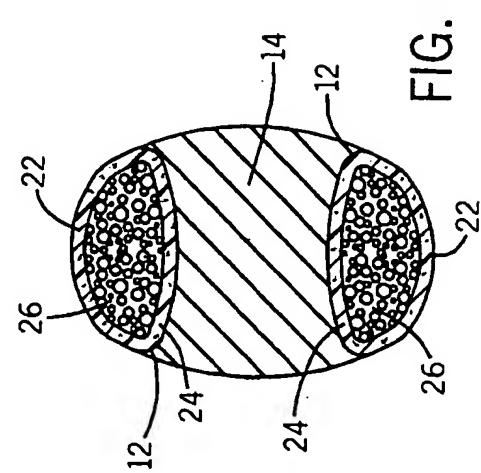
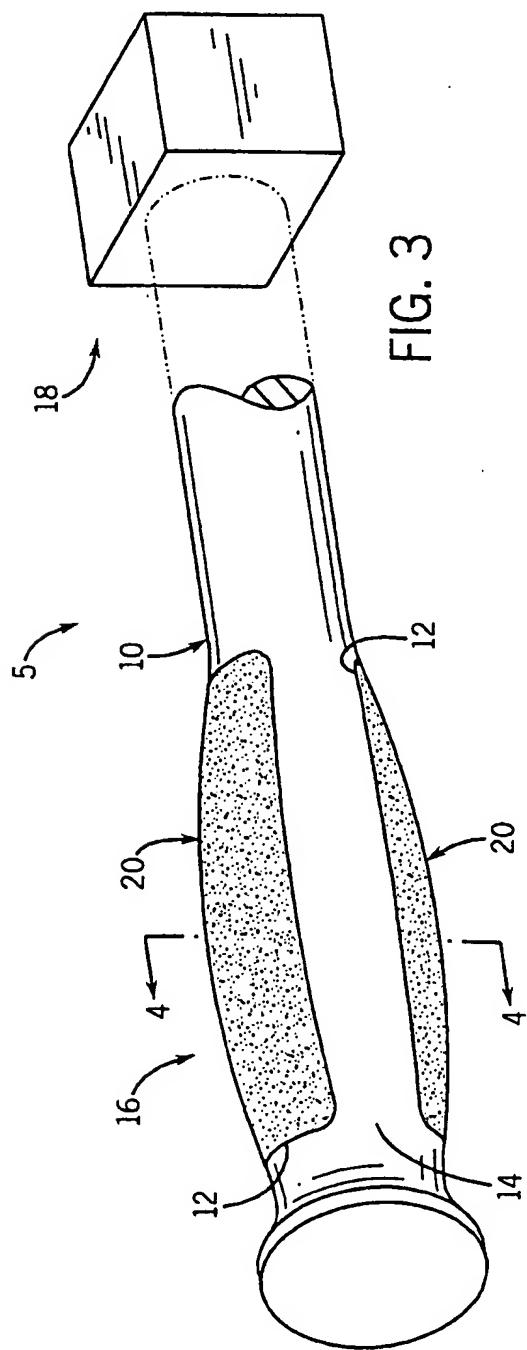
FOLEY & LARDNER LLP
Customer Number 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

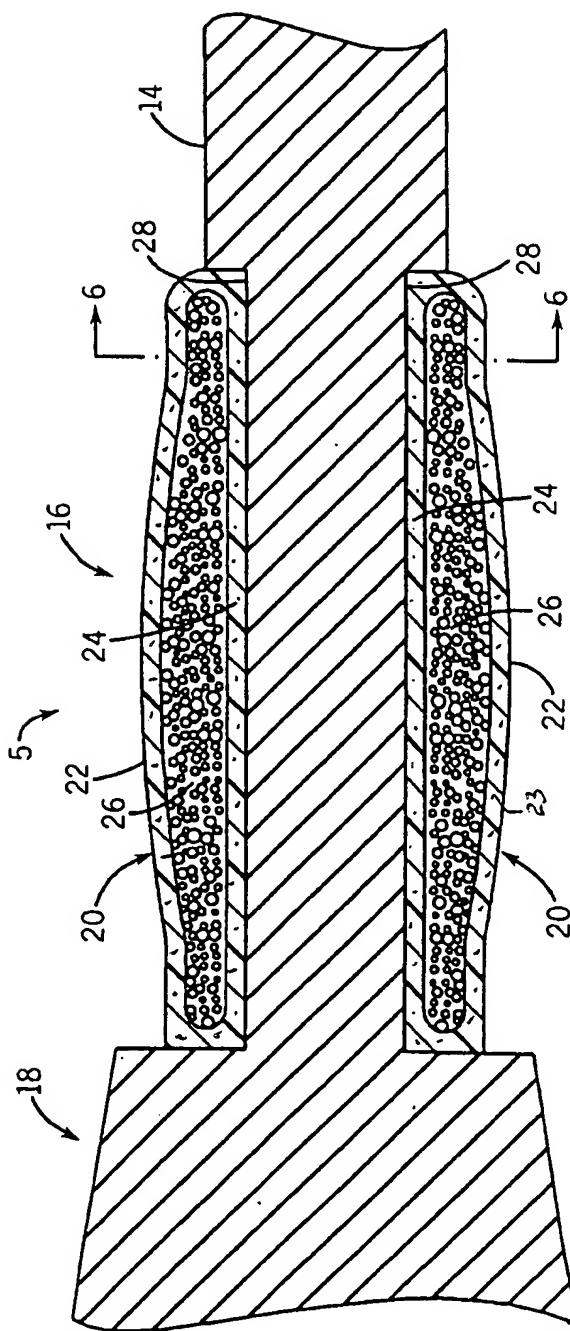
By


James A. Wilke
Attorney for Applicant
Registration No. 34,279



2 / 7





50

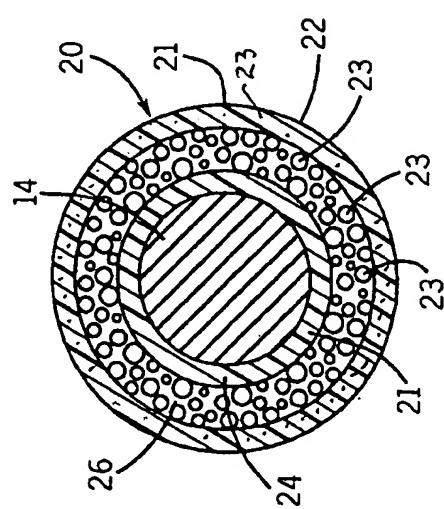


FIG. 6

4 / 7

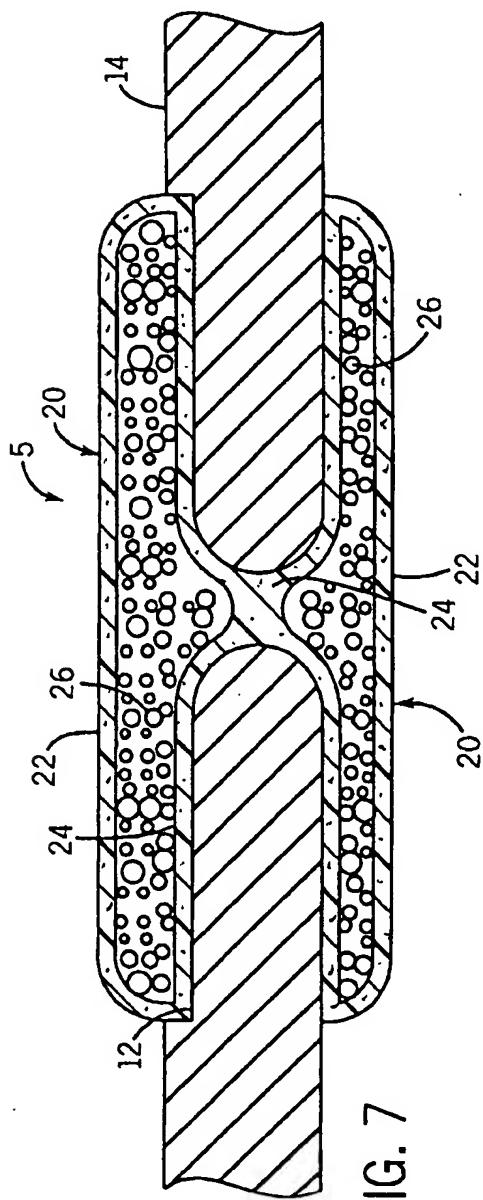


FIG. 7

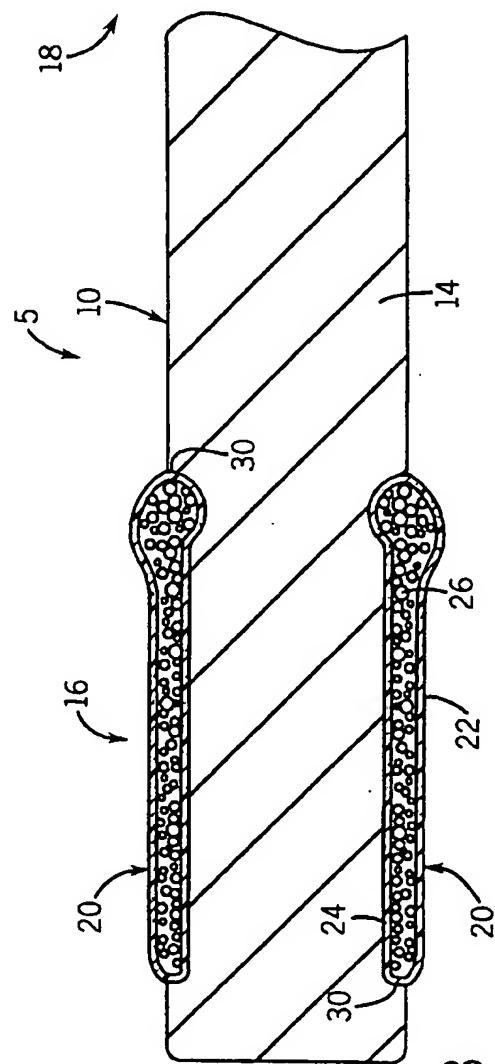


FIG. 8

5 / 7

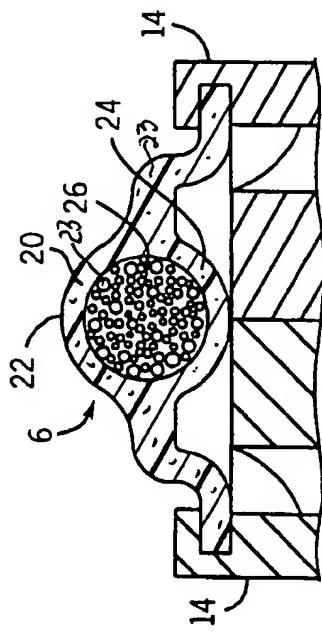


FIG. 9

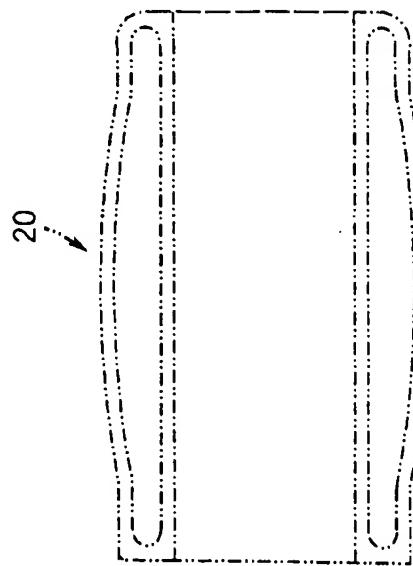


FIG. 16

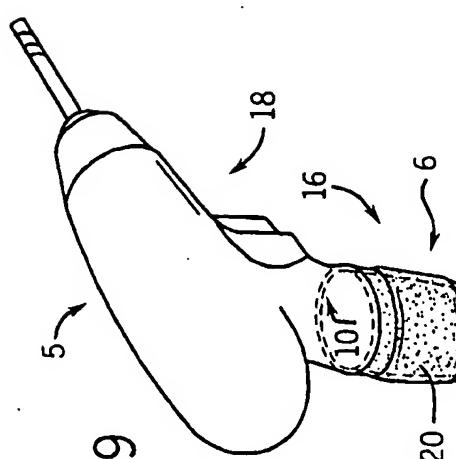
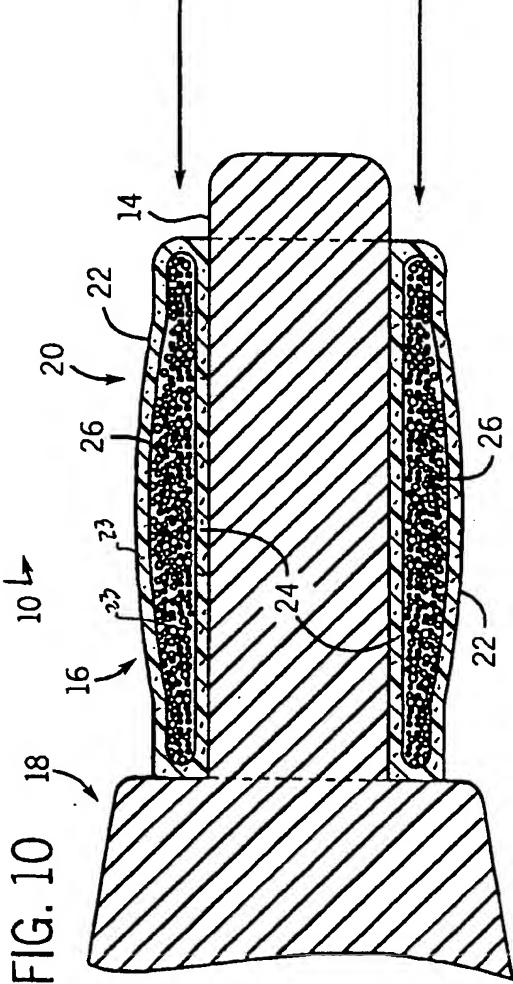


FIG. 10



Title: SEPARABLE APPARATUS TO CUSHION AND DAMPEN VIBRATION AND METHOD

Inventors: Polzin et al.

Appl. No.: 10/772,692

ANNOTATED SHEET

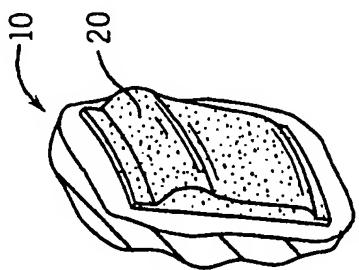


FIG. 13

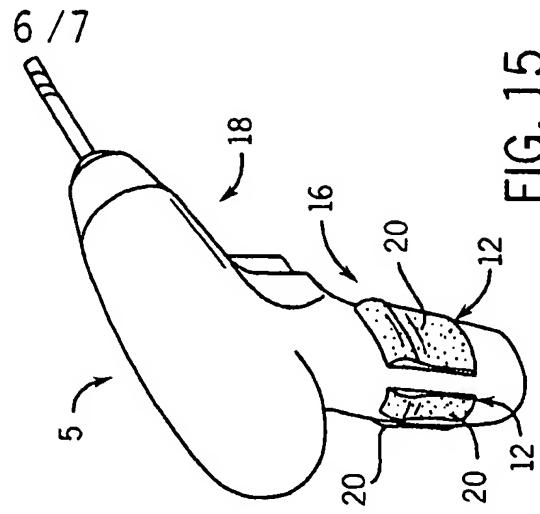


FIG. 15

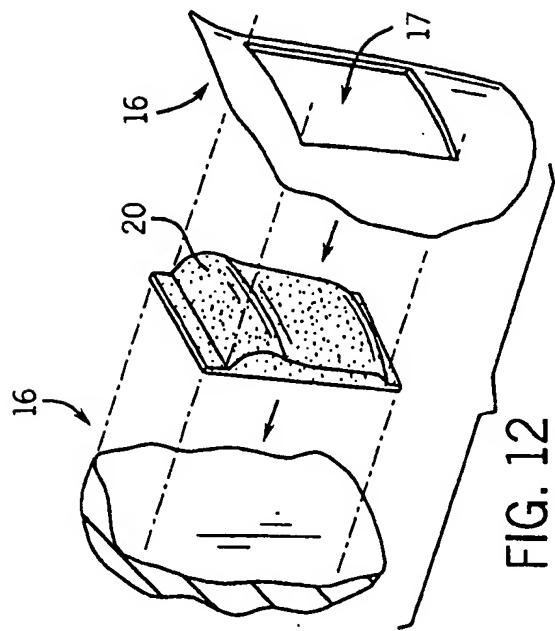


FIG. 12

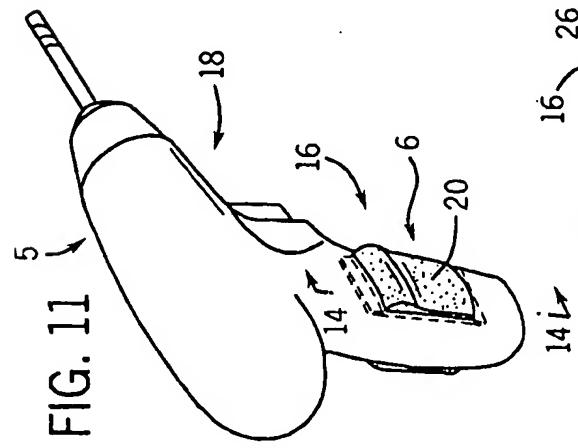


FIG. 11

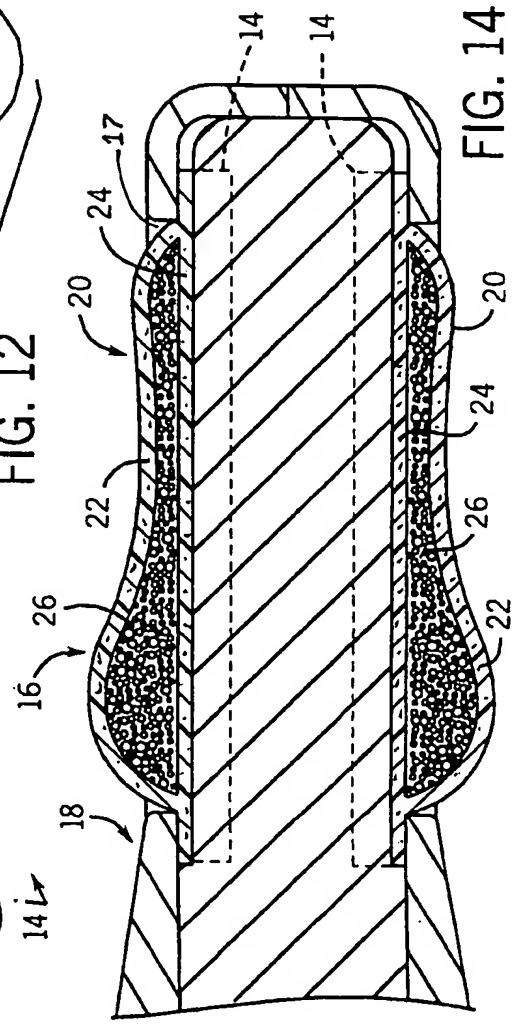


FIG. 14

7 / 7

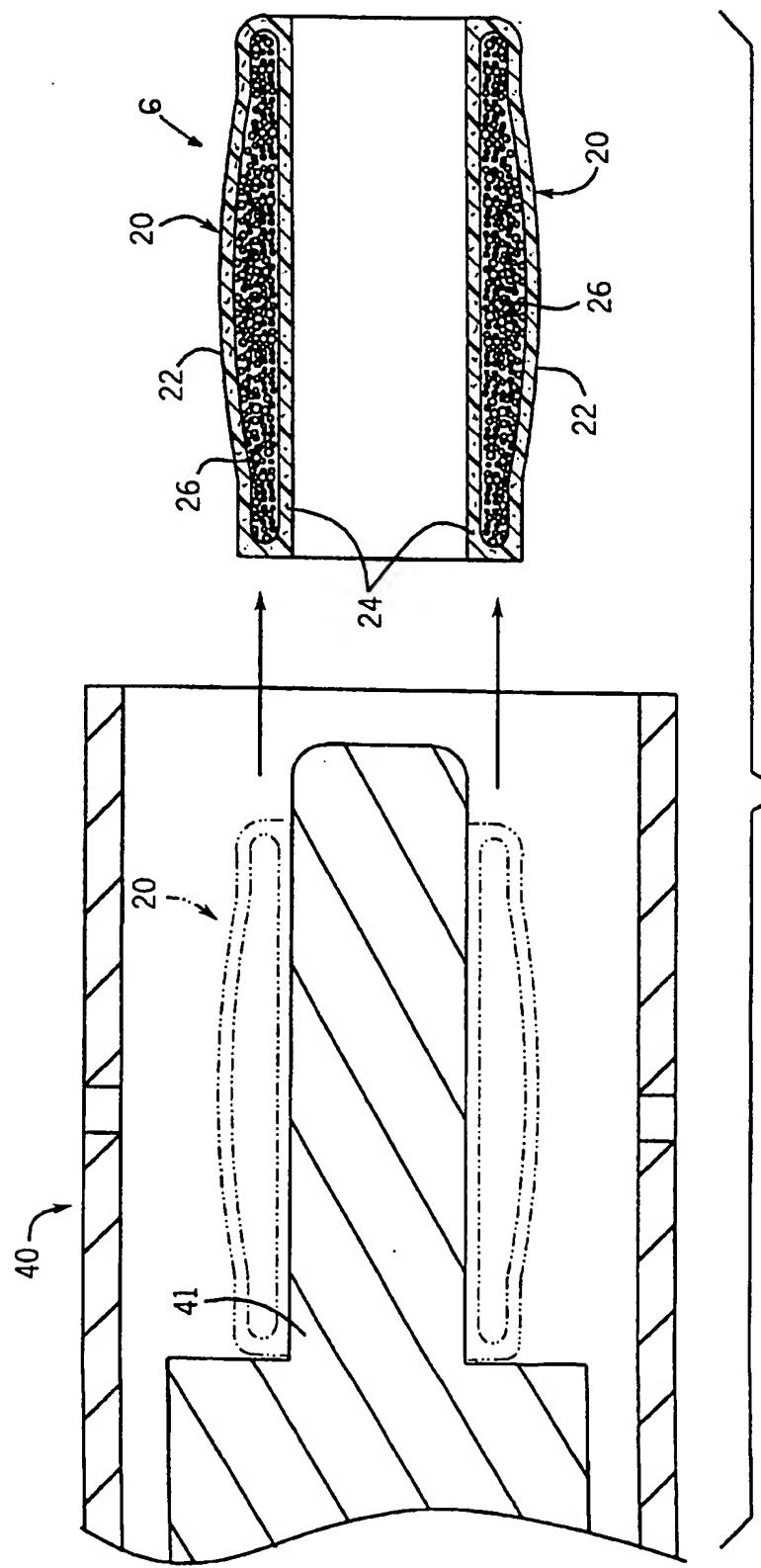


FIG. 17